

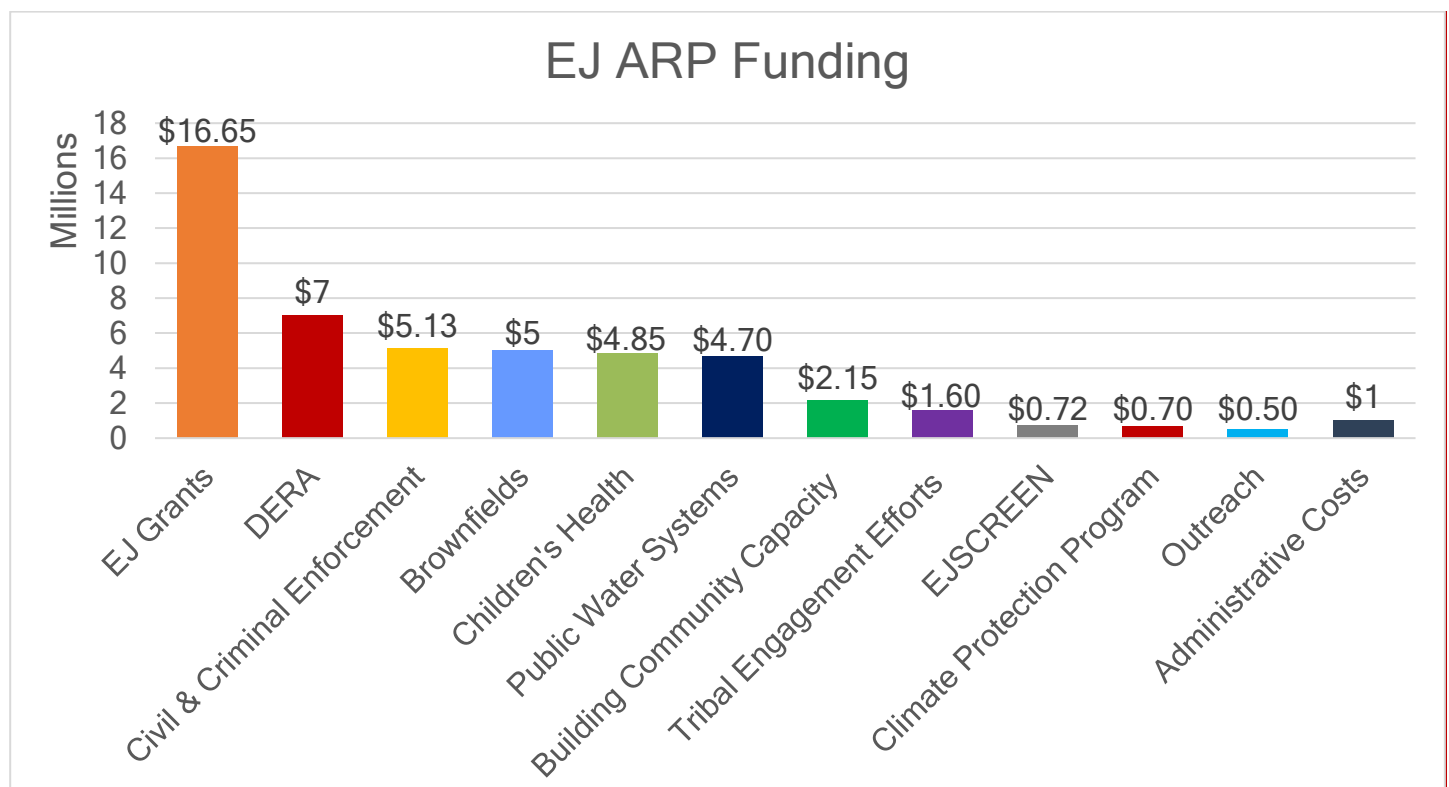
EPA AMERICAN RESCUE PLAN FUNDING

Background

- EPA received a supplemental FY 2021 appropriation of \$100 million from the American Rescue Plan (ARP), signed into law by President Biden on March 11, 2021.
- EPA's appropriation was split into two \$50M line items - one dedicated to support environmental justice (EJ) priorities, and the other dedicated to air quality monitoring priorities.
- It is important to note the statutory limitations associated with EPA's ARP appropriation:
 - (a) In General.— . . . \$100,000,000, to remain available until expended, to address health outcome disparities from pollution and the COVID-19 pandemic, of which—*
 - \$50M in EJ funding, Congress stipulated that we must expend all resources through specific sections of four environmental statutes:*
 - (1) \$50,000,000, shall be for grants, contracts, and other agency activities that identify and address disproportionate environmental or public health harms and risks in minority populations or low-income populations under—*
 - (A) Section 103(b) of the Clean Air Act (42 U.S.C. 7403(b));*
 - (B) Section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j-1);*
 - (C) Section 104(k)(7)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(7)(A)); and*
 - (D) Sections 791 through 797 of the Energy Policy Act of 2005 (42 U.S.C. 16131 through 16137); and*
 - \$50M for Air Quality Monitoring:*
 - (2) \$50,000,000 shall be for grants and activities authorized under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403) and grants and activities authorized under section 105 of such Act (42 U.S.C. 7405).*
- Congress additionally stipulated that EPA could use two percent (or \$1M) of the EJ funds and five percent (or \$2.5M) of the Air Quality Monitoring funds for administrative activities.
- Part (1)(C) related to CERCLA is focused on a specific set of activities related to Brownfields program grantee technical assistance and training that has its own statutory limitations regarding the maximum amount which can be invested in this section on an annual basis. Due to prior investments by EPA, the maximum ARP investment legally permissible for this section was \$5M.

- Part (1)(D) points specifically to the Diesel Emission Reduction Act (DERA) rebate program. There is no statutory limit related to the investment of ARP funding for DERA but given the size of the annual appropriation for DERA, EPA chose to use ARP EJ resources for a specific EJ-related pilot.
- The other two authorities for the ARP EJ funding -- the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the Energy Policy Act of 2005 -- are both narrowly prescribed sections of the Clean Air Act and the Safe Drinking Water Act. Neither statute authorizes environmental program implementation. Rather, the authorized activities are essentially limited to research, training, technical assistance, investigations, and related outreach.
- EPA prioritized the use of existing financial vehicles, such as ongoing and planned solicitations for established grant programs and technical assistance contracts to facilitate moving these funds out into communities with EJ concerns as quickly as possible. Prioritization of which financial vehicles were most likely to have the greatest tangible on-the-ground impact was based upon EPA's history, experience, and prior feedback from communities, EJ organizations, and the National Environmental Justice Advisory Council (NEJAC). It is important to note there is no single "bucket" of money to which communities and other partners can apply for ARP funding, but rather a broad array of opportunities currently available or opening in the near future.

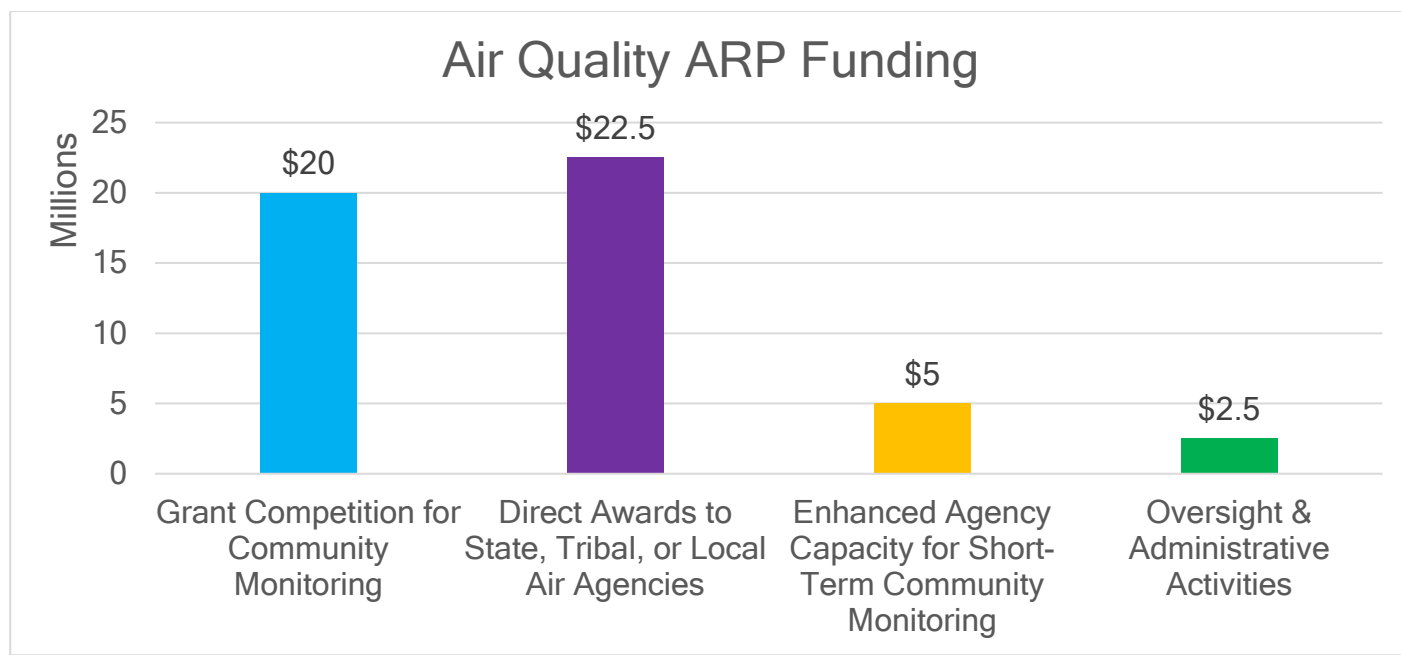
EPA's funding priorities for the \$50 million EJ appropriation are as follows:



EJ Grants	DERA	Civil & Criminal Enforcement	Brownfields	Children's Health	Public Water Systems
\$16.65 million will be used to fund EJ grants.	\$7 million will fund a tailored use of the Diesel Emissions Reduction Act (DERA) rebate program to fund electric school buses.	\$5.13 million will be used to expand civil and criminal enforcement to include monitoring near low-income communities and drinking water sources and for crime victim outreach.	\$5 million will help communities tackle the challenge of assessing, cleaning up and preparing brownfield sites for redevelopment.	\$4.85 million will fund the Children's Healthy Learning Environments Grant and Pediatric Environmental Health Specialty Units (PEHSUs).	\$4.70 million will support small and underserved public water systems in tribal and rural areas through in-person technical assistance.

Building Community Capacity	Tribal Engagement Efforts	EJSCREEN	Climate Protection Program	Outreach	Administrative Costs
\$2.15 million will build community capacity to address air and water issues in underserved communities through specialized technical assistance.	\$1.6 million for a grant to support efforts by tribes to engage their community members on priority EJ water and air quality issues.	\$720k will be used to enhance the development of EJSCREEN, the EJ analysis tool and support related resources.	\$700k is allocated for a climate protection program to advance data analytics work in the Office of Air and Radiation.	\$500k will support new methods of outreach and support for critical EJ issues in the oil and gas sector.	\$1 million will be used for administrative costs (2% of funds).

EPA's funding priorities for the \$50 million air quality monitoring appropriation are as follows:



**Grant Competition for
Community Monitoring**

**Direct Awards to State, Tribal, or
Local Air Agencies**

**Enhanced
Agency
Capacity for
Short-Term
Community
Monitoring**


**Oversight &
Administrative
Activities**

\$20 million grant competition for eligible community groups, state, tribal, and local air agencies -- individually or in partnerships -- to conduct monitoring of pollutants of greatest concern in communities with health outcome disparities.

\$22.5 million to state, tribal, or local air agencies for enhanced monitoring of PM_{2.5} and the five other NAAQS air pollutants in and near communities with environmental justice concerns. These funds will be used to replace existing filter-based monitors or otherwise enhance existing monitors in and near communities to provide 24/7, real-time reporting of air quality concentrations.

\$5 million to EPA mobile monitoring labs or air sensor loan programs.

\$2.5 million for administrative and oversight activities to improve data management and ensure the grants and programs are properly administered and tracked.



EPA has engaged with partners to solicit feedback and insight about the design of the competitive grant competition portion of the air quality monitoring appropriation. The agency has conducted sessions with Tribes, community representatives, and State and local air agencies to help inform EPA's grant solicitation. These grants will address ambient air monitoring needs in communities. EPA expects to issue a Request for Application for these competitive monitoring grants in late-fall 2021. Given the narrow statutory flexibility associated with the EJ funding, EPA will engage more specifically to receive feedback on certain elements of upcoming grant and technical assistance vehicles.